

Exhibit A

UberTAXI in NYC Shutting Down for Now – NO CHANGES to UberNYC Black Car Service

by travis on Oct 16, 2012

We want to thank all of New York's UberFaithful for giving our NYC TAXI beta a shot over the last month. **It was pretty exciting (<http://www.nytimes.com/2012/09/05/nyregion/as-ubers-taxi-hailing-app-comes-to-new-york-its-legality-is-questioned.html>)** – for the first time in 30 years, New Yorkers could get a cab without going to the street and putting your arm out. This meant finding a driver happy to take you to Brooklyn knowing he could get a return fare through Uber, or getting a cab from the Bronx at 7pm on a Friday night.

Some quick stats:

- 160 cabbies participated in Uber TAXI beta
- Biggest payday – one top UberTAXI driver made \$168 additional fares in a single day!
- Biggest week – Joe E. made \$586 additional fares with UberTAXI in a week!

Unfortunately, as many of you have noticed, there haven't been enough available TAXIs. Demand far outstripped supply, making you feel pretty lucky when you got a yellow from your iPhone. We did the best we could to get more yellows on the road but New York's TLC (Taxi and Limousine Commission) put up obstacles and roadblocks in order to squash the effort around e-hail, which they privately have said is legal under the rules. We'll bite our tongues and keep our frustration here to ourselves.

So what can we say... such is life as a transportation technology innovator, boldly going where no man has gone before (well at least for 30 years). New York City's TLC will hopefully get things moving, and let UberTAXI back out in the wild next year. In the meantime you can try UberTAXI in more innovation-friendly cities – including Boston and Toronto on the east coast - and as always, New York is still rocking with Uber Black and our low-cost UberX offering.

Happy UBERing,

Travis Kalanick
Uber co-founder and CEO

Trackbacks

1. [Uber for Taxis Doesn't Fly in New York City - Liz Gannes - Commerce - AllThingsD](#) says:
[October 16, 2012 at 11:50 am](#)

[...] in places like Boston and Washington, D.C. But New York City seems to be an exception, as the company said today it is cutting its month-old yellow cab service (after previously denying it to The Verge, [...])

2. [Rob's Radar 10/16 | Robert Croak](#) says:
[October 16, 2012 at 12:11 pm](#)

[...] Unfortunately, as many of you have noticed, there haven't been enough available TAXIs. Demand far out-stripped supply, making you feel pretty lucky when you got a yellow from your iPhone. We did the best we could to get more yellows on the road but New York's TLC (Taxi and Limousine Commission) put up obstacles and roadblocks in order to squash the effort around e-hail, which they privately have said is legal under the rules. We'll bite our tongues and keep our frustration here to ourselves. <http://blog.uber.com/2012/10/16/ubertaxi-in-nyc-shutting-down-for-now-no-changes-to-ubernyc-black-ca>... [...]

3. [Uber for Taxis Doesn't Fly in New York City | MobileAdmin](#) says:
[October 16, 2012 at 12:15 pm](#)

[...] in places like Boston and Washington, D.C. But New York City seems to be an exception, as the company said today it is cutting its month-old yellow cab service (after previously denying it to The Verge, [...])

4. [Uber Pulls Taxi-Hailing App Out Of New York Due To Administrative 'Roadblocks'](#) says:
[October 16, 2012 at 12:21 pm](#)

[...] early September, the company launched its taxi-hailing app in more than 100 New York City cabs. But in a blog post Tuesday, Uber chief executive Travis Kalanick said the company had decided to pull the app from New York, [...]

5. [Uber for Taxis Doesn't Fly in New York City | Tech News Gator](#) says:
[October 16, 2012 at 12:26 pm](#)

[...] in places like Boston and Washington, D.C. But New York City seems to be an exception, as the company said today it is [...]

6. [Uber for Taxis Doesn't Fly in New York City « MattsLens](#) says:
[October 16, 2012 at 12:36 pm](#)

[...] in places like Boston and Washington, D.C. But New York City seems to be an exception, as the company said today it is cutting its month-old yellow cab service (after previously denying it to The Verge, [...])

7. [Uber's Taxi Services Shutting Down In NYC. CEO Still Says To Expect "Rollouts In Many More Cities" Soon - LionJobs.com Indonesia](#) says:
[October 16, 2012 at 1:04 pm](#)

[...] has noted in a blog post today that it will indeed be shutting down its taxi beta after around a month of operation, claiming its [...]

8. [No cabs for you! Uber shuts NYC taxi service following quarrel with city officials | VentureBeat](#) says:
[October 16, 2012 at 1:18 pm](#)

[...] The startup, embroiled in a tussle with the New York Taxi and Limousine Commission (TLC), was forced to shutter the offering just a month after [...]

9. [Uber Shuts Down Yellow Cab Service in New York - SocialTimes](#) says:
[October 16, 2012 at 1:42 pm](#)

[...] “New York’s Taxi and Limousine Commission put up obstacles and roadblocks in order to squash the effort around e-hail, which they privately have said is legal under the rules,” co-founder and CEO Travis Kalanick wrote in a blog post. [...]

10. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | The Worlds Tech Blog](#) says:
[October 16, 2012 at 2:05 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email this | <a [...]

11. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | allcom.se](#) says:
[October 16, 2012 at 2:05 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email [...]

12. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February ← techtings](#) says:
[October 16, 2012 at 2:06 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email [...]

13. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | SP1RACY - All things tech & more](#) says:
[October 16, 2012 at 2:13 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email this | Comments Engadget [...]

14. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | Appyummy](#) says:
[October 16, 2012 at 2:22 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email [...]

15. [News › Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February](#) says:
[October 16, 2012 at 2:22 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email [...]

16. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | |](#) says:
[October 16, 2012 at 2:23 pm](#)

[...] | Uber, NYC Mayor’s Office (Twitter) | Email [...]

17. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February : Lenne](#) says:
[October 16, 2012 at 2:24 pm](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email [...]
18. [Tech Gadget Reviews » Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February](#) says:
[October 16, 2012 at 2:25 pm](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email [...]
19. [No cabs for you! Uber shuts NYC taxi service following quarrel with city officials | Simply Boundless Entertainment](#) says:
[October 16, 2012 at 2:32 pm](#)

[...] The startup, embroiled in a tussle with the New York Taxi and Limousine Commission (TLC), was forced to shutter the offering just a month after [...]
20. [Uber's Taxi Services Shutting Down In NYC, CEO Still Says To Expect "Rollouts In Many More Cities" Soon « Graffiti](#) says:
[October 16, 2012 at 2:40 pm](#)

[...] has noted in a blog post today that it will indeed be shutting down its taxi beta after around a month of operation, claiming its [...]
21. [App wars: Hailo launches its U.S. car service in Boston on Wednesday | Cambridge Day](#) says:
[October 16, 2012 at 3:02 pm](#)

[...] compared with New York, but very much a taxi town," he said Launches in New York — where Uber said today it was ending its taxi experiment — and Chicago are planned and Washington, D.C., is mentioned [...]
22. [iWyre](#) says:
[October 16, 2012 at 3:29 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]
23. [Technable | Making you Technically Able](#) says:
[October 16, 2012 at 3:30 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]
24. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February | Pretend Play Toys](#) says:
[October 16, 2012 at 3:34 pm](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email [...]

25. [Uber cancels NYC taxi program, due to high demand | Apple Stuff](#) says:
[October 16, 2012 at 4:00 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]

26. [Uber cancels NYC taxi program, due to high demand | TUAW - The Unofficial Apple Weblog](#) says:
[October 16, 2012 at 4:02 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]

27. [Uber cancels NYC taxi program, due to high demand | iMicroid](#) says:
[October 16, 2012 at 4:02 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]

28. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) | 1001 article](#) says:
[October 16, 2012 at 4:28 pm](#)

[...] [...]

29. [Technable | Making you Technically Able](#) says:
[October 16, 2012 at 4:30 pm](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email this | Comments [...]

30. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) - The ReviewBlog](#) says:
[October 16, 2012 at 5:05 pm](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email this | Comments Tech news [...]

31. [NYC UBER: Beta Program Pulled to e-Hail New York City Taxis | Transportation Reviews News](#) says:
[October 16, 2012 at 5:48 pm](#)

[...] Taxi has recently announced that they are shutting down their beta program in NYC which allows travelers to e-hail a New York [...]

32. [Uber cancels NYC taxi program, due to high demand | Apple Stocks](#) says:
[October 16, 2012 at 6:08 pm](#)

[...] company took a tone of muffled frustration in its official announcement on the matter, noting that demand for Uber-equipped cabs far outweighed what the city was willing [...]

33. [Tech Gadget Reviews » Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\)](#) says:
[October 16, 2012 at 6:26 pm](#)
- [...] | Uber, NYC Mayor's Office (Twitter) | Email [...]
34. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) | tekifeed.com – Gadget Feeds, Gadget News and more!](#) says:
[October 16, 2012 at 6:57 pm](#)
- [...] Uber, NYC Mayor's Office (Twitter) Email [...]
35. [Uber Closes Yellow Taxi Cab Service In New York City - Forbes](#) says:
[October 16, 2012 at 7:10 pm](#)
- [...] car service startup Uber has decided to cancel its UberTaxi yellow cab mobile app in New York City, under pressure from the city's Taxi and [...]
36. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) | eMagility :: defining mobile agility](#) says:
[October 16, 2012 at 8:45 pm](#)
- [...] | Uber, NYC Mayor's Office (Twitter) | Email this | Comments Share [...]
37. [Taxi-Hailing App Pulls Out of New York After 6 Weeks – New York Times | Daily News Pages](#) says:
[October 16, 2012 at 11:02 pm](#)
- [...] a post on Uber's Web site Tuesday, Mr. Kalanick wrote that the taxi commission had tried to "squash the effort" to [...]
38. [» Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) Gamez Menu](#) says:
[October 17, 2012 at 12:08 am](#)
- [...] | Uber, NYC Mayor's Office (Twitter) | Email [...]
39. [No cabs for you! Uber shutter's NYC taxi service following quarrel with city ... - The NYC Info News 24-hours in New York City, delivering breaking news and features about the five boroughs. - The Nyc Info](#) says:
[October 17, 2012 at 12:38 am](#)
- [...] today. Embroiled in a tussle with the New York Taxi and Limousine Commission (TLC), the startup was forced to shutter the offering just a month after [...]
40. [Taxi Hailing App Quits NYC After Only Six Weeks - AppNewser](#) says:
[October 17, 2012 at 7:32 am](#)

[...] Uber, the company that hoped to connect taxi drivers with passengers via a smartphone app, has halted its New York City business after only six weeks, claiming that they faced challenges with NYC transportation unions. [...]

41. [What To Expect from Apple's iPad Mini Event Oct. 23 | SiliconANGLE](#) says:
[October 17, 2012 at 8:10 am](#)

[...] According to Uber, there were 160 cabbies who participated in the Uber TAXI beta with one top UberTAXI driver making \$168 in additional fares in a single day, and another reporting \$586 in additional fares over a week by using Uber Taxi. [...]

42. [Today's Links October 17, 2012](#) says:
[October 17, 2012 at 9:09 am](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email [...]

43. [NYC Officials Pump Brakes on Taxi-Hailing App Uber](#) says:
[October 17, 2012 at 10:08 am](#)

[...] low-cost offering, UberX, in NYC. Uber co-founder and chief executive Travis Kalanick took to the company's blog to inform users of the [...]

44. [Uber shuts down New York City taxi beta, may see light at the end of the \(Lincoln\) tunnel in February \(update: TLC responds\) | genellacoleman.com](#) says:
[October 17, 2012 at 10:38 am](#)

[...] | Uber, NYC Mayor's Office (Twitter) | Email [...]

45. [Its Legality Uncertain, a New York Taxi-Hailing App Is Shut Down After Six Weeks | Mobile News Plus](#) says:
[October 17, 2012 at 11:16 am](#)

[...] a post on Uber's Web site Tuesday, Mr. Kalanick wrote that a cab elect had attempted to "squash a effort" to yield [...]

46. [No cabs for you! Uber shutter's NYC taxi service following quarrel with city officials | Mobile Marketing Solution](#) says:
[October 17, 2012 at 11:59 am](#)

[...] today. Embroiled in a tussle with the New York Taxi and Limousine Commission (TLC), the startup was forced to shutter the offering just a month after [...]

47. [New York Uber Uber | Daily Street](#) says:
[October 17, 2012 at 12:33 pm](#)

[...] at it, please. This shutdown only applies to Ubertaxi: the "Black Car" service is still up. For now. But probably not for long. Because Uber is the smartphone app the city deserves, but not [...]

48. [Taxi-Hailing App Pulls Out of New York After 6 Weeks » |](#) says:

[October 17, 2012 at 1:10 pm](#)

[...] a post on Uber's Web site Tuesday, Mr. Kalanick wrote that the taxi commission had tried to "squash the effort" to [...]

49. [Technology - NYC Officials Pump Brakes on Taxi-Hailing App Uber](#) says:
[October 17, 2012 at 1:45 pm](#)

[...] low-cost offering, UberX, in NYC. Uber co-founder and chief executive Travis Kalanick took to the company's blog to inform users of the [...]

50. [Wednesday 17 October 2012 | Portfolioticker](#) says:
[October 17, 2012 at 2:09 pm](#)

[...] Uber has withdrawn its taxi hailing app from New York City because of concerns the app may violate a NYC law prohibiting prearranged rides in yellow taxis and because the NYC Taxi and Limousine Commission has not authorized the use of any apps for taxi hailing or payment, citing its existing payment processor contracts which expire in Feb 2013. [More]
[...]

51. [Why Uber Taxi won't work in Manhattan | VentureBeat](#) says:
[October 17, 2012 at 3:15 pm](#)

[...] Why Uber Taxi won't work in Manhattan vb.loadImage("#image-23858"); October 17, 2012 3:15 PM Rocky Agrawal Add a Comment post_widget("#but1", { services: {twitter: {via: "VentureBeat"}}, sharePopups: "true", }); .pw-widget-inline .ra1-pw-layout-horizontal { display:inline-block; vertical-align:top; } .pw-widget-inline .ra1-pw-originalbuttons { min-width:1px !important; margin-right:5px; } .pw-widget-inline .ra1-pw-native-googleplus { width:65px; } .pw-widget-inline .ra1-pw-native-twitter { width:80px; } Cab hailing service Uber Taxi is shutting down its experiment in New York City. According to CEO Travis Kalanick's blog post: [...]

52. [New York Uber Uber | All Season Tire Review](#) says:
[October 17, 2012 at 3:48 pm](#)

[...] at it, please. This shutdown just applies to Ubertaxi: the "Black Car" service is still up. For today. However possibly not for lengthy. Because Uber is the smartphone application the city [...]

53. [New York Uber Uber | Automotive Magazine](#) says:
[October 17, 2012 at 5:53 pm](#)

[...] at it, please. This shutdown only applies to Ubertaxi: the "Black Car" service is still up. For now. But probably not for long. Because Uber is the smartphone app the city deserves, but not [...]

54. [Techbobo Commerce : Uber for Taxis Doesn't Fly in New York City - News, Analysis and Opinion](#) says:
[October 18, 2012 at 2:01 am](#)

[...] in places like Boston and Washington, D.C. But New York City seems to be an exception, as the company said today it is cutting its month-old yellow cab service (after previously denying it to The Verge, [...])

55. [Why Uber Taxi won't work in Manhattan | Mobile Marketing Solution](#) says:
[October 18, 2012 at 6:01 am](#)

[...] Cab hailing service Uber Taxi is shutting down its experiment in New York City. According to CEO Travis Kalanick's blog post: [...]

56. [Taxi-app shutdown is called 'a matter of justice' - The Insider | Crain's New York Business](#) says:
[October 18, 2012 at 8:07 am](#)

[...] In a blog post on the company's website yesterday, Uber CEO Travis Kalanick said the TLC "put up obstacles and roadblocks in order to squash the effort around e-hail, which they privately have said is legal under the rules." [...]

57. [Taxi-Hailing App Pulls Out of New York After 6 Weeks – New York Times](#) says:
[October 20, 2012 at 12:55 am](#)

[...] a post on Uber's Web site Tuesday, Mr. Kalanick wrote that the taxi commission had tried to "squash the effort" to [...]

58. [Amid criticism, Uber's CEO fights back: 'On bad days, I look at our revenue graph' | VentureBeat](#) says:
[October 21, 2012 at 11:56 am](#)

[...] { width:65px; } .pw-widget-inline .ra1-pw-native-twitter { width:80px; } STANFORD, CA: With the highly public failure of its New York taxi beta, it has not been a great week for fancy car [...]

59. [Amid criticism, Uber's CEO fights back: 'On bad days, I look at our revenue graph' | Simply Boundless Entertainment](#) says:
[October 21, 2012 at 3:11 pm](#)

[...] CA: With the highly public failure of its New York taxi beta, it has not been a great week for fancy car [...]

60. [This Week in Mobile: October 15th](#) says:
[October 22, 2012 at 7:19 am](#)

[...] Although it has been shut down in New York City, Uber has expanded its taxi service to San Francisco. Oct 22, 2012 0 Comments Tags: [...]

61. [From Airbnb to Coursera: Why Government Shouldn't Regulate the Sharing Economy | FUTURE PRIMATE](#) says:
[October 22, 2012 at 11:57 am](#)

[...] in the new economy of shared services. Over the same week, on-demand car service provider Uber pulled out of the taxi business in New York after facing obstacles from NYC's Taxi and Limousine Commission [...]

62. [Uber Closes Yellow Taxi Cab Service In New York City | Forcabdrivers.com](#) says:
[October 22, 2012 at 4:17 pm](#)

[...] capital. 10/16/2012 @ 10:10PM |3,452 views Mobile car service startup Uber has decided to cancel its UberTaxi yellow cab mobile app in New York City...Read [...]

63. [Uber quietly shutting down taxis in New York after fight with regulators \(update ... » |](#) says:
[October 24, 2012 at 1:45 am](#)

[...] 1:21 pm: Uber just confirmed on its blog that it has shut down taxi service in New York until next year, blaming regulators. "In the meantime you can try Uber Taxi in more [...]

64. [Travis Shrugged: The creepy, dangerous ideology behind Silicon Valley's Cult of Disruption | PandoDaily](#) says:
[October 24, 2012 at 4:53 pm](#)

[...] Uber was forced to shut down its yellow cab hailing service in New York last week, founder Travis Kalanick threw a fit that [...]

65. [Links « Gucci Little Piggy](#) says:
[December 3, 2012 at 12:00 pm](#)

[...] Criticizing the taxi cab hailing service Uber as the nefarious product of Randianism, the founder of NSFWS Corp writes: Back home in London (where [...]

66. [NYC May Launch Taxi-Hailing App - AppNewser](#) says:
[December 13, 2012 at 4:04 am](#)

[...] isn't the first time that New York has had an app for hailing taxis. Uber, the company that hoped to connect car services with passengers via a smartphone app, gave up its [...]

67. [Uber Blog » All Hail Another Big Win: E-hail Coming to NYC Taxi](#) says:
[December 13, 2012 at 9:14 am](#)

[...] We already know how this pilot will turn out, and not just because of all of you who already use and love Uber in New York City and cities from coast to coast, in Canada, Australia and Europe. As you may remember, New York City's first experiment in e-hailing yellow cabs, was only a couple months ago. Along with quite a bit of controversy there was enormous, unprecedented demand from New Yorkers who used it to get a yellow cab dispatched to them for the first time in decades. Drivers who found themselves in neighborhoods far from midtown Manhattan were finding riders they never had before – and were earning hundreds of dollars a week more than before – helping them make a far better living. But obstacles and roadblocks, and politics got in the way and six weeks ago we ended our ambitious ehail experiment. [...]

68. [What a difference six months can make: The consistent and in no way disingenuous messaging of Travis Kalanick | PandoDaily](#) says:
[December 13, 2012 at 4:55 pm](#)

[...] “We did the best we could to get more yellows on the road but New York’s TLC (Taxi and Limousine Commission) put up obstacles and roadblocks in order to squash the effort around e-hail, which they privately have said is legal under the rules. We’ll bite our tongues and keep our frustration here to ourselves.” — Travis Kalanick, October 16th 2012 [...]

69. [Taxi apps turn efficiency into an issue | econAMY](#) says:
[December 28, 2012 at 11:26 am](#)

[...] a post on Uber’s Web site Tuesday, Mr. Kalanick wrote that the taxi commission had tried to “squash the effort” to [...]

70. [In A Win For E-Hail Services, Judge Clears The Way For Mobile Taxi Apps To Launch In NYC | TechCrunch](#) says:
[April 23, 2013 at 5:16 pm](#)

[...] its own UberTAXI service in New York, long before the TLC announced the trial. But Uber ultimately shut down its own taxi trial, in part because the TLC at the time “put up obstacles and roadblocks” to its trial. [...]

Exhibit B

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

RESOLUTION APPROVING A PILOT PROGRAM TO
EVALUATE ELECTRONIC HAIL APPLICATIONS

December 13, 2012

The New York City Taxi and Limousine Commission (the "Commission") hereby approves by resolution ("Resolution") a pilot program ("Pilot Program"), pursuant to section 52-27(a) of the Commission's rules to test and evaluate smartphone electronic hail applications that can be used to request taxicab service.

In recent months a number of companies have approached the Taxi and Limousine Commission ("TLC") about introducing services that would allow taxicab passengers ("Passengers") within New York City to arrange on-demand taxi service through an electronic hail application ("E-Hail App") resident on a smartphone, and services allowing Passengers to pay for their fare using a smartphone ("E-Payment"). Passenger survey data obtained by the TLC indicates that more than 50% of those questioned were interested in both the ability to use E-Hail Apps (57%), and the ability to use E-Payment (55%). TLC's current governing regulations, many of which predate E-Hail technology, do not clearly authorize such services.

As E-Hail Apps have emerged, TLC has undertaken serious diligence in exploring options that will encourage innovation and provide new and desired services to taxi passengers. TLC held numerous meetings with over fifteen separate industry groups and E-Hail App providers. The TLC has determined that a live study would be valuable in order to more fully evaluate the benefits and costs of allowing E-Hail Apps and E-Payment. Therefore, the TLC will authorize E-Hail Apps which meet the operational and security standards as set forth by the TLC to operate for a limited duration on a pilot basis. The Pilot Program is solely for purposes of assisting the TLC in learning about the feasibility of E-Hail Apps and E-Payment and participation in the Pilot Program does not signal authorization to operate beyond the guidelines of the Pilot Program.

Participating E-Hail Apps may allow Passengers to identify the location of taxicabs, allow licensed TLC taxicab drivers ("Drivers") to identify the location of Passengers, allow a Passenger to hail a taxicab electronically and allow a Driver to receive and accept a hail request. Additionally, participating E-Hail Apps may also allow E-Payment, the ability for Passengers to pay for their taxi fare, tip and extras through the E-Hail App.

As set forth more fully below, Drivers who choose to use a participant's E-Hail App during the term of the Pilot Program will be exempted from certain Commission rules.

Pursuant to section 52-28(a) of the Commission's rules each participant in the Pilot Program ("Participant") must enter into a binding Memorandum of Understanding ("MOU") with the Chair on behalf of the Commission which is approved as to form by the New York City Law Department obligating the Participant to adhere to all requirements of this Resolution and

setting forth additional specifications for each requirement. This Resolution contains a summary of the major MOU terms and does not include each and every term. The MOU cannot conflict with any provision of this Resolution.

Pursuant to section 52-27 (b) of the Commission's rules, this approval is subject to the following terms:

1. Commencement and Duration:

- a. The Pilot Program will commence on the date on which the first Participant's application is approved by the Chair, but no earlier than February 15, 2013 and will continue for twelve consecutive months thereafter.

2. Means of Public Notice

- a. Notice of opportunity to participate in the Pilot Program will be published in the City Record and on the Commission's website.

3. Applications

- a. The TLC will begin accepting applications for participation in the Pilot Program ten days after the date on which a template MOU setting forth the specific terms of participation is published on the TLC website.
- b. TLC will accept applications throughout the duration of the Pilot Program, but an authorization to participate in the Pilot Program ends when either the Pilot Program is terminated in whole or as to a particular Participant or the term of the Pilot Program has expired.
- c. Each candidate applying must:
 - Submit an acceptance test plan demonstrating that its E-Hail App and related services comply with the technical standards and service level requirements set forth in the MOU.
 - Submit documentation demonstrating that an independent third party with relevant expertise has performed acceptance testing consistent with the acceptance testing plan, and certified the successful results of the acceptance testing;
 - Submit documentation demonstrating independent third party certification of security testing of the E-Hail App and related services to determine compliance with the security standards set forth in the MOU.
 - Enter into a binding MOU with the Chair on behalf of the Commission which is approved, as to form, by the New York City Law Department.

4. Selection

- a. Selection of Participants will be made by the Chair.

b. Criteria for selection will include responsiveness to the public notice including adherence to technical, security and testing requirements, demonstrated capacity to deliver the proposed service and ability to meet the requirements set forth in this Resolution and the MOU.

c. The Chair may ask any candidate to supplement an application as necessary to complete the evaluation of applications and selection of participants.

d. The number of Participants in the Pilot Program is not limited.

5. Use Restrictions

a. E-Hail Apps authorized under the Pilot Program must not allow a Passenger to submit a request for a hail at John F Kennedy International Airport or LaGuardia Airport or any other geographic area specified by the TLC, including, as appropriate, areas with taxi lines or taxi staging areas.

b. E-Hail Apps authorized under the Pilot Program and which allow a Driver to accept an E-Hail from a Passenger must ensure that:

- An E-Hail request submitted from a location within the Manhattan Central Business District (defined as Manhattan south of 59th Street) can only be accepted by a Driver who is within 0.5 miles of such location.
- An E-Hail request submitted from a location outside of the Manhattan Central Business District can only be accepted by a Driver who is within 1.5 miles of such location.

c. E-Hail Apps authorized under the Pilot Program must ensure that an E-Hail request transmitted to a Driver does not reveal the Passenger's desired destination.

d. E-Hail Apps authorized under the Pilot Program and which allow a Driver to accept an E-Hail from a Passenger must ensure that no information about the Passenger is transmitted to a Driver, except that a Passenger's trip identification number or E-Hail App user name may be transmitted to the Driver after the Driver has accepted the Passenger's E-Hail request.

e. E-Hail Apps authorized under the Pilot Program and which allow a Driver to accept an E-Hail from a Passenger must ensure that E-Hail requests are transmitted only to validly licensed Drivers using validly licensed taxicabs.

f. E-Hail Apps authorized under the Pilot Program and which allow a Driver to accept an E-Hail from a Passenger must ensure that Drivers cannot use the E-Hail App while driving a vehicle that is in motion, except that an E-Hail App may permit a Driver to accept an E-Hail request with a single touch.

g. An E-Hail App authorized under the Pilot Program must not remit to a Driver payment for a trip arranged by the E-Hail App that exceeds the fare for the trip as displayed on the taximeter plus tips, and extras, if any.

6. Fares and Passenger Fees

- a. Participant may not charge a Passenger a fee for tip or gratuity unless the Driver receives the full amount, and the amount is determined by the Passenger. Participant cannot require a Passenger to pay a tip to the Driver.
- b. Participant must provide reasonable and effective notice to Passengers of all fees and rates charged by the Participant prior to a Passenger's use of the E-Hail App.
- c. Participant cannot charge a Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter. Any amount charged by the Participant in excess of the fare and the tip must be clearly identified to the Passenger.

7. Integration with Taxi Passenger Enhancement Program ("TPEP")

- a. A Participant with an E-Hail App that permits E-Payment must be integrated with TLC-authorized TPEP providers to ensure that the fare charged for any trip is calculated by the taximeter, is processed by a TLC-authorized TPEP provider, and that the E-Hail App provides to the TPEP providers relevant payment information necessary to display total charges including fare, tip and extras on the Passenger Information Monitor and on the printed receipts; provided, however, that the Chair may waive this integration requirement if the TLC-authorized TPEP system cannot adequately support integration and that Participant has developed alternative means to: protect Passengers against overcharging; ensure that all trip related data is reported to the TLC; and ensure that all trip based taxes and fees are collected.

8. Security

- a. Participants providing E-Payment must comply with all Payment Card Industry Data Security Standards ("PCI Standards") issued by the Payment Card Industry Security Standards Council as they may change from time to time. Until the point at which PCI Standards are formally adopted for mobile payments, an E-Hail App which contains E-Hail Payment must comply with all guidelines dictated by the PCI Security Standards Council.
- b. Participants must not store credit, debit and prepaid card magnetic strip information made through the E-Hail App after the Driver has received authorization for use of the card.
- c. Participant must inform the TLC if it is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law section 899-aa).
- d. Participant must immediately notify the TLC if it makes any material modifications to its TLC authorized E-Hail App or E-Payment service and cannot use the modified service until such modification has been approved by the TLC.

9. Data

- a. Participant must be capable of automatically collecting and transmitting to the TLC authorized TPEP provider data pertaining to the taxicab trip, including, but not limited to, Participant identifier, payment type, and total fare, last four digits of the credit card or debit card number, tip amount and extras if any.
- b. Participant must be capable of generating and providing in a form acceptable to the Commission, data, including but not limited to, number of payment transactions, credit card information for each transaction, summary of fares and extras if any.
- c. Participants must maintain all of the above required data for at least three years after the date on which the Participant commences providing E-Hail services, including E-Payment pursuant to the Pilot Program.
- d. Participants must submit to the TLC each month a summary of all Passenger complaints received in the prior month.

10. Insurance/Indemnification

- a. Each Participant must provide the Commission with proof of primary insurance as required by the MOU, including but not limited to Commercial General Liability Insurance, Professional Liability Insurance, and Crime Insurance.
- b. Each Participant is responsible for conduct of its employees, contractors, and agents, and must familiarize each with relevant regulatory rules and regulations.
- c. Participant must defend, indemnify and hold harmless the City of New York, its officers and employees from all claims arising from participation in the Pilot Program.

11. Damages

- a. Participants shall be responsible to pay Drivers, other TLC licensees, Passengers and the TLC, restitution and liquidated damages, as applicable, for any harm caused by unauthorized use of their E-Hail App or E-Payment during the duration of the Pilot Program, as specified in the MOU.

12. Compliance

- a. Participant is prohibited from engaging in any electronic hail service or electronic payment service not authorized under the Pilot Program.
- b. Participant must comply with all applicable state and federal and local laws, including but not limited to Occupational Health and Safety Administration (OSHA) standards and requirements, all laws regarding workers compensation, disability benefits and tax

withholding, and payment of all fees and fines owed to state, federal or local government jurisdictions when they are due.

c. Participant must not file with the Commission any statements that he or she knows or reasonably should know to be false, misleading, deceptive or materially incomplete.

d. Participant must not accept, request, give or offer gifts or gratuities to or from a licensee for the purpose of violating any of the requirements of the Pilot Program or applicable state, federal and local law, and must report to the TLC and the New York City Department of Investigations request or offers for the same.

e. Participant must not commit fraud, misrepresentation and larceny, willful acts of omission and commission; and must not act against the best interests of the public, such as acts of threats, harassment, abuse, use or threat of physical force, or failure to cooperate with law enforcement or the Commission.

f. Participant must ensure that the E-Hail App can be inspected and accessed by the TLC, including TLC ordered testing and the Participant will cooperate with the TLC regarding any demonstration of the E-Hail App and E-Payment.

g. Participant must notify the TLC in writing of any suspension or revocation of any license granted to the Participant by any local, state or federal agency.

13. Exemption

a. Drivers who use an E-Hail App authorized under the Pilot Program are exempt from section 54-14 (e) of the Commission's rules, provided that:

- the device containing such E-Hail App is mounted in the taxicab vehicle;
- the Driver enters "off duty" in the TPEP system once he or she has accepted an E-Hail request.

14. Use Optional

a. Drivers can choose whether or not they would like to use a Participant's E-Hail or E-Payment service. Participation in the Pilot Program does not create an obligation on Drivers to use these services.

15. Reporting and Evaluation

a. Participants must submit a report to the TLC every other month summarizing data including but not limited to, pick up and drop off locations and times, fares, and fees.

b. No later than two months after a Participant ceases to operate under the Pilot Program, it must submit to the Chair a program summary report including data set forth in the MOU.

c. TLC staff shall prepare and transmit to TLC Commissioners quarterly reports throughout the duration of the Pilot Program. Such reports shall include data about the use of E-Hail Apps and shall evaluate:

- whether and to what extent E-Hail Apps assist Passengers in arranging on-demand service by taxicabs;
- whether and to what extent the use of E-Hail Apps affects the income of TLC licensees, including taxi drivers and owners, livery drivers, owners and bases, and black car drivers, owners and bases.
- to the extent possible, data on the effect of E-Hail Apps on TLC licensees and passengers.
- to the extent possible, the impact on taxicab service including passenger refusals and on passengers who do not own a smartphone device.

16. Termination

a. If the TLC determines a Participant has violated or not complied with any provision of this Resolution or the MOU it may immediately terminate approval to participate in the Pilot Program.

b. The TLC can cancel the Pilot Program if it receives corroborated evidence that an E-Hail or E-Payment application authorized for use in the Pilot Program creates a security, safety or other unacceptable risk to owners, passengers or Drivers.